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The above-captioned matter came before the Board of Osteopathic Examiners in Medicine and Surgery of the State of Arizona ("Board") for informal interviews pursuant to A.R.S. § 32-1855 on July 12, 1991. Following the Board's review of evidence obtained by it and having considered all the evidence and information for purposes of issuing this Decree of Censure, and being fully advised, enters the following Findings of Fact, Conclusions of Law, and Decree of Censure.

1. On or about April 24, 1991, Harvey Williams, D.O. ("Williams"), placed an advertisement in the New Times newspapers regarding breast augmentation.

3. Williams stated in this advertisement that he was "so confident of his results that he is offering the first 100% money back guarantee that your breasts will remain soft and natural".

1 4. Williams presented to the Board a copy of his
2 Money Back Guarantee ("Guarantee") form given to prospective
3 patients regarding this advertisement.

4 5. The Guarantee stated that the money refund was
5 limited to "100% of the original fee minus the cost of your
6 implants, anesthesia charges, medications, supplies, finance
7 charges and surgical facility which total \$900."

8 6. The Board initiated a complaint regarding the
9 advertisement April 24, 1991.

10 7. Williams discontinued the advertisement after one
11 week.

12 8. The 100% Money Back Guarantee in the advertisement
13 is false, deceptive or misleading in that a patient can never
14 receive 100% of their money back if the breasts do not remain
15 "soft and natural".

16 9. The additional sentence in the advertisement,
17 "This offer is for a limited time only and subject to certain
18 restriction", did not specify or relate to the 100% money back
19 guarantee.

20 10. The operative focus is that the 100% guarantee in
21 the advertisement was not ever meant to be a 100% money back as
22 stated in the advertisement of April 24, 1991.

23 CONCLUSIONS OF LAW

24 11. The Board of Osteopathic Examiners in Medicine and
25 Surgery of the State of Arizona has jurisdiction over the
26 subject matter hereof and of the licentiate pursuant to A.R.S.

1 § 32-1800 et seq.

2 12. The Board has the legal authority pursuant to
3 A.R.S. § 32-1855(E)(3), to issue this Decree of Censure.

4 13. The conduct described in paragraphs 1-5 and 8-10
5 establishes that Harvey Williams, D.O. has engaged in
6 unprofessional conduct in violation of A.R.S. § 32-1854(16) to
7 wit: Advertising in a false, deceptive, or misleading manner or
8 representing or holding one's self out to be an Osteopathic
9 Medical Specialist when such is not the fact.

10 ORDER

11 Based upon the foregoing Findings and Conclusions, the
12 Board hereby censure Harvey Williams, D.O., for unprofessional
13 conduct which was harmful to the public health and safety.

14 Done this 6th day of January, 1992.

15 Board of Osteopathic Examiners
16 in Medicine and Surgery of the
17 State of Arizona

18 *William C. Inboba, II, D.O.*

19 By _____
20 William C. Inboba II, D.O.
21 President

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